

ANDERSON KILL P.C.

Cort T. Malone, Esq.
Mark D. Silverschotz, Esq.
1251 Avenue of the Americas
New York, New York 10020
(212) 278-1000 (Telephone)
(212) 278-1733 (Facsimile)

*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD OCTOBER 1, 2019 THROUGH OCTOBER 31, 2019**

Anderson Kill P.C., ordinary course insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this fee statement for the period October 1, 2019 through October 31, 2019 (the “**Eighth Fee Statement**”)² pursuant to the Court’s *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (the “**Orders**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through August 31, 2019.

Pursuant to the Orders and this Court's *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court*, dated December 18, 2018 [Docket No. 345], responses to the Eighth Fee Statement, if any, are due by November 29, 2019.

Dated: November 18, 2019

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.

Mark D. Silverschotz, Esq.

1251 Avenue of the Americas

New York, New York 10020

(212) 278-1000 (Telephone)

(212) 278-1733 (Facsimile)

cmalone@andersonkill.com

msilverschotz@andersonkill.com

Ordinary Course Insurance

Counsel to the Debtors and

Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.,¹ APPLICANT: Anderson Kill P.C.
CASE NO.: 18-27963 (MBK) CLIENT: Chapter 11 Debtors
CHAPTER: 11 CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD OCTOBER 1, 2019 THROUGH OCTOBER 31, 2019**

**SECTION I
FEE SUMMARY**

| | <u>FEES</u> | <u>EXPENSES</u> |
|--|-------------------------------|------------------------|
| TOTAL PREVIOUS FEES REQUESTED | <u>\$308,416.50</u> | <u>\$785.73</u> |
| TOTAL FEES ALLOWED TO DATE | <u>\$308,416.50</u> | <u>\$785.73</u> |
| TOTAL RETAINER REMAINING | N/A | N/A |
| TOTAL HOLDBACK (IF APPLICABLE) | N/A | N/A |
| TOTAL RECEIVED BY ANDERSON KILL ² | <u>\$281,885.00</u> | <u>\$785.73</u> |
| FEE TOTALS - PAGE 2 | <u>\$22,720.50</u> | |
| DISBURSEMENTS TOTALS - PAGE 3 | <u>\$ 0</u> | |
| TOTAL FEE APPLICATION | <u>\$22,720.50</u> | |

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

| Name of Professional | Year Admitted | Title/Department | Hours | Rate | Fee |
|------------------------------|----------------------|-------------------------|--------------|-----------------|--------------------|
| | | | | | |
| Mark D. Silverschotz | 1981 | Shareholder/Insurance | 0.80 | 780.00 | 624.00 |
| Cort T. Malone | 2003 | Shareholder/Insurance | 30.00 | 715.00 | 21,450.00 |
| Raymond A. Mascia, Jr. | 2010 | Shareholder/Insurance | 0.90 | 560.00 | 504.00 |
| Vivian Michael (2018) | 2014 | Associate/Insurance | 0.30 | 475.00 | 142.50 |
| Total Fees | | | 32.00 | | \$22,720.50 |
| Attorney Blended Rate | | | | \$710.00 | |

SECTION II
SUMMARY OF SERVICES

| SERVICES RENDERED | HOURS | FEE |
|--|--------------|--------------------|
| Opposition to Relief from Stay of Insurance Case | 0 | \$0 |
| Drafting and Responding to Discovery | 0 | \$0 |
| Drafting and Responding to Objections | | |
| Drafting and Editing Briefing and Submissions | 8.90 | \$6,224.00 |
| Claims Evaluation and Related Motion Practice | 0.50 | \$357.50 |
| Prepare, Attend and Argue at Court Hearings | 0 | \$0 |
| Settlement Negotiations, Agreements and Mediation, including submissions | 13.20 | \$9,438.00 |
| Insurance Case Work | 6.40 | \$4,576.00 |
| Work related to UST and North River Appeals | 3.00 | \$2,125.00 |
| SERVICE TOTALS | 32.00 | \$22,720.50 |

**SECTION III
SUMMARY OF DISBURSEMENTS**

| | AMOUNT |
|---|---------------|
| Lexis Nexis Legal Research | \$0 |
| Travel Charge – Car Service Late Night Work | \$0 |
| Filing/court fees | \$0 |
| TOTAL DISBURSEMENTS | \$0 |

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill is one of the Debtor's several Ordinary Course Counsel retained pursuant to the Orders. The firm's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill worked on briefing and other necessary submissions, including research, drafting, and editing same;
- g) Anderson Kill prepared for court hearings, including necessary research and preparation for oral arguments;

- h) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and
- i) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (100%)
- (B) SECURED CREDITORS: (100%)
- (C) PRIORITY CREDITORS: (100%)
- (D) GENERAL UNSECURED CREDITORS: (100%)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 18, 2019

/s/ Cort T. Malone

Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from
October 1, 2019 through October 31, 2019

DATE: 11/01/19 09:20:58 PROFORMA STATEMENT AS OF 10/31/19 for file (102620.DDC02) PROFORMA #

Page 571 (1)
629882

-----CLIENT INFORMATION-----
DURO DYNE CORP.

-----MATTER DESCRIPTION-----
INSURANCE

--MATTER NUMBER--
102620.DDC02

--BILLING--
03218
Cort T Malone

-----MAILING ADDRESS-----
Randy Hinden
(c/o Howard Gross - Weinberg, Gross & Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
Bay Shore, NY 11706
rhinden@durodyne.com

JOINT BILL ID:

STATUS: OP
DATE OPENED: Jun 13, 2013
DATE CLOSED:
UNALLOCATED BAL: .00
TRUST RET ACCT:
RATE: 1
DEPT: 0300
LOCATION: 01
FIXED FEES:
TRUST RETAIN:
MIN FEE:
MIN COST:
MIN TOTAL:
MAXIMUM BILLINGS:
CURRENCY: USD

OUTSTANDING BALANCE 26531.50
UNBILLED FEES (32.00 HRS) 22720.50
UNBILLED COSTS00
SUBTOTAL CURRENT UNBILLED. 22720.50
TOTAL DUE. 49252.00
TIME VALUE FOR THE MATTER AFTER THE CUTOFF DATE.00
COST VALUE FOR THE MATTER AFTER THE CUTOFF DATE.00

-----BILLING INSTRUCTIONS-----

-----TIME ENTRIES-----
Thru Date: 10/31/19

| | | | | WORKED | | BILLED | | DESCRIPTION |
|---------|-------------|----------|------|--------|--------|--------|-------|--|
| INDEX | INIT | DATE | STAT | HOURS | AMOUNT | RATE | HOURS | |
| 3614037 | 05311 (VCM) | 10/01/19 | B | .30 | 142.50 | 475.00 | .30 | TASK ACT Review Bankruptcy Court's decision re: appeal. |
| 3614083 | 04279 (MDS) | 10/01/19 | B | .80 | 624.00 | 780.00 | .80 | TASK |

DATE: 11/01/19 09:20:58 PROFORMA STATEMENT AS OF 10/31/19 For file (102620.DDC02) PROFORMA #

Page 572 (2)
629882

| | | | | | | | | | |
|---------|-------------|----------|---|------|---------|--------|------|---------|--|
| 3613361 | 03218 (CTM) | 10/01/19 | B | 2.90 | 2073.50 | 715.00 | 2.90 | 2073.50 | ACT Review of district court opinion affirming appointment of FCR (.5); email exchange C. Malone and V. Michael regarding D. Ct. opinion (.3) TASK |
| 3613450 | 03218 (CTM) | 10/02/19 | B | 1.10 | 786.50 | 715.00 | 1.10 | 786.50 | ACT Reviewed decision denying Trustee's FCR appeal. Follow up with client, MS, JP re same. Emails exchanged with KQ/JF re settlement options with NR and other insurance companies. Emails exchanged LS re filing CNO. TASK |
| 3614486 | 03218 (CTM) | 10/03/19 | B | .80 | 572.00 | 715.00 | .80 | 572.00 | ACT Prep and calls with JP/KQ re various settlement options, other bankruptcy case issues. Follow up work re same. Emails exchanged with JP re possible NR meeting. TASK |
| 3614009 | 03218 (CTM) | 10/04/19 | B | 1.00 | 715.00 | 715.00 | 1.00 | 715.00 | ACT Detailed calls with JP re potential arbitration with NR. Follow up with JP and client re settlement issues, potential arbitration, and call re same. TASK |
| 3616343 | 03218 (CTM) | 10/08/19 | B | 3.40 | 2431.00 | 715.00 | 3.40 | 2431.00 | ACT Reviewed materials and response to client query re Zurich D&O claim re bankruptcy and request for info. Prep and call with JP and client re settlement issues, North River meeting request, and potential arbitration proceeding. Follow up re same. TASK |
| 3615931 | 03218 (CTM) | 10/10/19 | B | 2.90 | 2073.50 | 715.00 | 2.90 | 2073.50 | ACT Research re new CT S.C. decision upholding unavailability exception and potential use in insurance case arguments against North River. Various meetings with RM, MS and MB re same, additional arguments, and further research needed. Follow up re same. TASK |
| 3615715 | 03218 (CTM) | 10/11/19 | B | .90 | 643.50 | 715.00 | .90 | 643.50 | ACT Worked on bankruptcy filing/fees submission. Emails exchanged with LS re same. TASK |
| 3617614 | 03218 (CTM) | 10/14/19 | B | .20 | 143.00 | 715.00 | .20 | 143.00 | ACT Call with Hartford counsel re motion to lift stay and North River's position in response to same. Emails exchanged and follow up with JP re same. TASK |
| | | | | | | | | | ACT Follow up with LS re bankruptcy filing. |

DATE: 11/01/19 09:20:58 PROFORMA STATEMENT AS OF 10/31/19 For file (102620.DDC02) PROFORMA # 629882 Page 573 (3)

| | | | | | | | | | |
|--|------------|----------|---|------|---------|--------|------|---------|-------------|
| 3617615 | 03218(CTM) | 10/15/19 | B | .40 | 286.00 | 715.00 | .40 | 286.00 | TASK ACT |
| Follow up with JP re North River issues, including settlement meeting and payment of defense costs for depositions. | | | | | | | | | |
| 3617622 | 03218(CTM) | 10/17/19 | B | .40 | 286.00 | 715.00 | .40 | 286.00 | TASK ACT |
| Emails exchanged re settlement meeting with NR on 10/25. Follow up with JP re defense costs issue. | | | | | | | | | |
| 3620843 | 03218(CTM) | 10/21/19 | B | 2.40 | 1716.00 | 715.00 | 2.40 | 1716.00 | TASK ACT |
| Follow up with JP and client re upcoming North River meeting. Prep work for same, including research re new decisions on allocation issues. | | | | | | | | | |
| 3621101 | 03218(CTM) | 10/23/19 | B | 1.80 | 1287.00 | 715.00 | 1.80 | 1287.00 | TASK ACT |
| Emails exchanged with Hartford counsel re defense payment issues. Continued prep for North River meeting. Emails exchanged with JP and client re same. Worked with LS re bankruptcy filing. | | | | | | | | | |
| 3620531 | 03218(CTM) | 10/24/19 | B | 1.50 | 1072.50 | 715.00 | 1.50 | 1072.50 | TASK ACT |
| Research and prep for North River meeting next week. | | | | | | | | | |
| 3624206 | 03218(CTM) | 10/28/19 | B | .80 | 572.00 | 715.00 | .80 | 572.00 | TASK ACT |
| Emails exchanged with client re meeting tomorrow and prep work for same. | | | | | | | | | |
| 3623979 | 03218(CTM) | 10/29/19 | B | 4.40 | 3146.00 | 715.00 | 4.40 | 3146.00 | TASK ACT |
| Prep and meet with JP and client in advance of NR settlement meeting. Meeting with NR re settlement offer and follow up meet with Jeff and Abby to discuss next steps, other issues. Began work on settlement analysis and valuation of NR's future indemnity obligation. Follow up with RM re Danaher decision. | | | | | | | | | |
| 3624303 | 03218(CTM) | 10/30/19 | B | 3.20 | 2288.00 | 715.00 | 3.20 | 2288.00 | TASK ACT |
| Continued work re issues raised at settlement meeting. Emails exchanged with JP and client re same. Emails exchanged and follow up re NR opposition to motion to lift stay for deathbed depositions. | | | | | | | | | |
| 3624467 | 05145(RAM) | 10/30/19 | B | .90 | 504.00 | 560.00 | .90 | 504.00 | TASK ACT |
| Retrieved and analyzed North River opposition brief (0.10). Reviewed and analyzed recent decision regarding allocation (0.80). | | | | | | | | | |

DATE: 11/01/19 09:20:58 PROFORMA STATEMENT AS OF 10/31/19 for file (102620.DDC02) PROFORMA #

Page 574 (4)
629882

| | | | | | | | | | |
|----------|-------------|----------|---|------|---------|--------|------|---------|----------|
| 36224462 | 03218 (CTM) | 10/31/19 | B | 1.90 | 1358.50 | 715.00 | 1.90 | 1358.50 | TASK ACT |
|----------|-------------|----------|---|------|---------|--------|------|---------|----------|

Follow up with RM re Danaher write up. Emails exchanged with Hartford counsel re NR objection to motion to lift stay. Calls with NR counsel re same, prior discussions with counsel at LS, and continued efforts re settlement. Follow up work re same.

Timecard Adjustments:

| | |
|--------------|----------|
| FEE SUBTOTAL | 22720.50 |
|--------------|----------|

22720.50

| *-----* | *-----* | *-----* | *-----* | *-----* |
|-----------------------|--------------|-------------|---------|----------|
| TIMEKEEPER | TIME AND FEE | BILLED RATE | HOURS | FEES |
| Mark D Silverschotz | | 780.00 | .80 | 624.00 |
| Cort T Malone | | 715.00 | 30.00 | 21450.00 |
| Raymond A Mascia, Jr. | | 560.00 | .90 | 504.00 |
| Vivian Michael | | 475.00 | .30 | 142.50 |
| TOTALS | | | 32.00 | 22720.50 |

-----COST ENTRIES-----

| INDEX | DATE | STAT | AMOUNT | CODE | TASK | DESCRIPTION |
|---------------|------|------|--------|------|------|-------------|
| ----- | | | | | | |
| Cost Subtotal | | | *.00 | | | |

-----*
-OPEN ACCOUNTS RECEIVABLE-----

| INVOICE NUMBER | DATE | FEES | BILLED COSTS | CASH RECEIVED | LAST PAY DATE | RECEIVABLE WRITTEN OFF | OUTSTANDING BALANCE |
|----------------|----------|----------|--------------|---------------|---------------|------------------------|---------------------|
| 293637 | 10/10/19 | 26531.50 | .00 | .00 | | .00 | 26531.50 |
| | | 26531.50 | .00 | .00 | | .00 | 26531.50 |

| | | | |
|--------------------|----------|----------------------|----------|
| LAST PAYMENT DATE: | 10/09/19 | LAST PAYMENT AMOUNT: | 14815.00 |
| LAST BILL DATE: | 10/10/19 | LAST BILL AMOUNT: | 26531.50 |

TIME FORMAT

COST FORMAT

| () | PREVIOUS BALANCE | () | E DATE/DESCRIP/INITS/HOURS | () | T TOTAL |
|-----|------------------|-----|--------------------------------|-----|---------|
| () | UNAPPLIED | () | H DATE/DESCRIP/INITS/HOURS/AMT | | |